

**REMARKS**

Upon entry of the amendments, claims 1-17 will be pending in the above-identified application. The specification has been amended to clarify continuity data of the present application. Claim 13 has been amended. Applicants submit that the amendments are supported throughout the specification as originally filed, and therefore, no new matter is added by these amendments.

**Rejections Under 35 U.S.C. §103**

Claims 1-17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sachdeva *et al.* (U.S. Patent No. 6,315,553) in view of Alcaniz *et al.* (An Advanced System for the Simulation and Planning of Orthodontic Treatment).

Applicants respectfully disagree with the rejection and do not acquiesce to any reasoning by the Examiner. Applicants submit that the cited references, alone or in combination, fail to teach each and every element of the currently claimed invention, thereby precluding a *prima facie* case of obviousness under 35 U.S.C. § 103(a). See, e.g., MPEP §2143.

Regardless of the teachings of the cited references, Applicants respectively point out that neither reference constitutes prior art under 35 U.S.C. § 102. Sachdeva *et al.* does not qualify as prior art because the reference was filed well after the earliest priority date of the present application. The filing date for Sachdeva *et al.* was on November 30, 1999. The Examiner's attention is respectfully drawn to page 1, lines 4-5, of the original application, which recites the following:

This application is a continuation of application no. 09/169,276, filed on October 8, 1998, the full disclosure of which is incorporated herein by reference. (emphasis added)

Furthermore, the Examiner's attention is also respectfully drawn to page 1, lines 1-5, of Application No. 09/169,276, which recites the following:

This application is a continuation-in-part of PCT application PCT/US98/12681, filed on June 19, 1998, and entitled "Method and System for Incrementally Moving Teeth" (attorney docket number 18563-000120), which claims priority from U.S. patent

application 08/947,080, filed on October 8, 1997, which claims priority from U.S. provisional application 60/050,342, filed on June 20, 1997...

The corresponding domestic priority information for the present application has been acknowledged by the Office, *See* Filing receipt mailed February 20, 2001. The specification has been further amended herein to more clearly point out the complete continuity of the present application. As such, Sachdeva *et al.* is disqualified as prior art with respect to the present application.

Applicants further point out that Alcaniz *et al.* was published in March 1998. Thus, Alcaniz *et al.* is also predated by the earliest priority date of the present application and, therefore, is disqualified as prior art under 35 U.S.C. § 102.

Accordingly, for the reasons set forth above, Applicants respectfully request that the rejections of claims 1-17 under 35 U.S.C. §103(a) be withdrawn.

### CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 206-467-9600.

Respectfully submitted,

Dated: \_\_\_\_\_

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